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W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

Decision

Matter of: Protest of Newtech, Inc.

File No.: 2016-002

Posting Date: October 16, 2015

Contracting Entity: SC Department of Parks, Recreation & Tourism

Project No.: P28-9738-MJ-A

Description: Hunting Island Campground Improvements Comfort Station Renovations

BACKGROUND


On September 14, 2015, Newtech, Inc. (Newtech), protested the South Carolina Department of Parks, Recreation and Tourism's (PRT) posting of a Notice of Intent to Award a contract to J. F. Contractors, LLC (JF) under an invitation for bids for renovation of four comfort stations at Hunting Island State Park, Project P28-9738-MJ-A (hereinafter the "project"). Newtech challenged PRT's determination that JF was a responsible bidder legally capable of performing the work of the project. By a Decision posted on October 12, 2016, the Chief Procurement Officer for Construction (CPOC) sustained the protest.

On October, 15, 2015, JF notified PRT that it would not file an appeal of the CPOC's decision. [Ex. A] That same day, PRT request that the CPOC lift the stay. The timeframe that PRT has to perform the work in is set by PRT's reservation schedule and they need to proceed immediately with a re-bid of the project in order to meet that schedule.

DECISION

After consulting with PRT in accordance with S.C. Code Ann. §11-35-4210(7) and with notice from JF that it does not intend to appeal the decision of the CPOC, the CPOC finds that it is in the best interest of PRT to proceed with the project without further delay in order to enable PRT to complete the project within the time available under their reservation schedule. For the foregoing reasons, the CPOC hereby lifts the stay.

Protest Decision
File No. 2016-002
October 16, 2015



John St. C. White
Chief Procurement Officer
For Construction
16 Oct 15

Date

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW
Protest Appeal Notice (Revised September 2015)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 111.1 of the 2015 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The Request for Filing Fee Waiver form is attached to this Decision. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

South Carolina Procurement Review Panel
Request for Filing Fee Waiver
1105 Pendleton Street, Suite 209, Columbia, SC 29201

Name of Requestor

Address

City

State

Zip

Business Phone

1. What is your/your company's monthly income? _____

2. What are your/your company's monthly expenses? _____

3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this

_____ day of _____, 20_____

Notary Public of South Carolina

Requestor/Appellant

My Commission expires: _____

For official use only: _____ Fee Waived _____ Waiver Denied

Chairman or Vice Chairman, SC Procurement Review Panel

This _____ day of _____, 20_____
Columbia, South Carolina

NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.



EXHIBIT A

JF Contractors LLC

SC Department of Parks, Recreation, and Tourism
1205 Pendleton Street
Columbia, SC 29201
Attn: Scott Langford

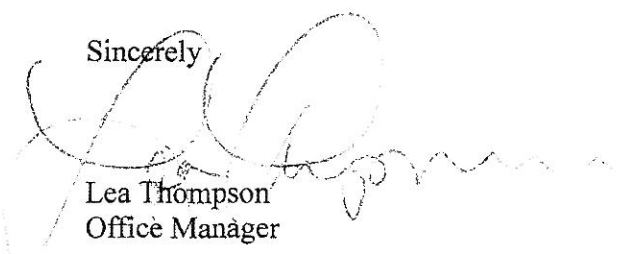
RE: Case No. 2016-002 – Decision
Hunting Island Bid Protest

Dear Mr. Langford,

This letter is to serve as an official response to decision made by the Chief Procurement Officer for Construction regarding the bid submitted for the Hunting Island Campground Improvements and Comfort Station Renovations, Project No. P28-9738-MJ-A. JF Contractors, LLC has reviewed the official protest decision, and has elected to not file an appeal.

If you need any additional information, please do not hesitate to contact me at the number listed below, or via email at lthompson@jfcontractors.com.

Sincerely,



Lea Thompson
Office Manager